

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
DIANE F. DELYANIS :

Plaintiff, :

v. :

DYNA-EMPIRE, INC., JIM SPAGNOLO, PAT :  
MCCARTHY, and REGINA B. WELLER, :  
Officially and Individually, :

Defendants. :  
:  
-----X

Case No. 05-cv-5505 (ADS)

**NOTICE OF MOTION TO  
ENFORCE THE  
SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that upon Defendants' Motion to Enforce the Settlement Agreement, the Affirmation of Khristan A. Heagle, Esq. and the Memorandum of Law in Support thereof, together with the exhibits appended thereto respectively, all of which are filed in this Court today, Defendants respectfully request this Court for an order enforcing the settlement reached between the parties in this matter.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Federal Rules of Civil Procedure and the individual rules of United States District Judge Arthur D. Spatt, Plaintiff Diane E. Delyanis's opposition papers are due on or before July 5, 2006, and Defendants' reply papers, if any, are due on or before July 12, 2006.

Dated: New York, New York  
June 20, 2006

Respectfully submitted,

KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.

By: Jane B. Jacobs *KH*  
Jane B. Jacobs (JJ-2925)  
Khristan A. Heagle (KH-0210)  
485 Madison Avenue  
New York, New York 10022  
(212) 935-6020

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Officially and Individually,	:
	:
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	:
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**ORDER**

PLEASE TAKE NOTICE, that based upon Defendants' Motion to Enforce the Settlement Agreement, the Memorandum and the Certification of Khristan A. Heagle, Esq. in support thereof, and for good cause shown, it is hereby:

ORDERED, that the Settlement Agreement reached between the parties at Court-ordered mediation on May 19, 2006 is enforced; and it is further

ORDERED, that Plaintiff pay Defendants' attorneys fees and costs incurred in connection with this Motion to Enforce the Settlement Agreement.

Dated: \_\_\_\_\_

\_\_\_\_\_  
ARTHUR D. SPATT  
United States District Judge